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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,423	04/13/2001	Jeffrey Capone	038927-0202	5919

		EXAMINER
7590	09/10/2004	CHANG, SUNRAY

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ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
	09/834,423	CAPONE ET AL.
Office Action Summary	Examiner	Art Unit
	Sunray Chang	2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 April 2001*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 April 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date *090501, 030703*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____ .

DETAILED ACTION

1.   Claims 1 – 24 are presented for examination.

Claims 1 – 24 are rejected.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the

United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by

another filed in the United States before the invention by the applicant for patent, except that an international application

filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed

in the United States only if the international application designated the United States and was published under Article

21(2) of such treaty in the English language.

2.   **Claims 6 – 8, 10 – 13, and 17 – 21 are rejected** under 35 U.S.C. 102(e) as being

anticipated by David R. Coelho (U.S. Patent No. 6,347,340, and referred to as Coelho

hereinafter).

3.   **Regarding independent claim 6,** Coelho teaches

- A class file [attributes, Col. 1, Line 60];

- Creating [convert, Col. 1, Line 54] protocol independent and device independent content

   object [network message, Col. 1, Line 57] utilizing the class files [attributes, Col. 1, Line 60];

- Rendering the protocol independent and device independent content object to protocol dependent and device independent content object [network-to-transformation database, 22, Fig. 1].

- Rendering the protocol dependent and device independent content object to protocol dependent and device dependent content object. [Delivery Agent, 26A – 26N, Fig. 1].

Holzmann [U.S. Patent No. 5,826,017] is considered an evidence reference that discloses network communications are based upon different protocols and because of this, communication amongst different devices may not be possible. [Col. 1, Line 11 – 13 and Col. 1, Line 35 – 46] and it can be used to explain the network contents are protocol independent and device independent.

4.   **Regarding dependent claim 7,**

- The protocol independent and device independent content object [network message, Col. 1, Line 57] mapped into [message configuration table, Col. 1, Line 58 – 59] a protocol dependent container [network-to wireless transformation database, Col. 1, Line 55 – 56].

5.   **Regarding dependent claims 8 and 12,**

- The protocol dependent and device independent content [a set of attributes, Col. 3, Line 1 – 2] is registered [specifying, Col. 3, Line 1] with a handler [predetermined wireless message transport conduit, Col. 3, Line 7].

6.   **Regarding dependent claim 10**,

- The protocol independent and device independent content [network message, Col. 1, Line 57] is created in an execute method that extends a first action [an expansion agent processes a network message, Col. 1, Line 56 – 57].

7.   **Regarding dependent claim 11**,

- The engine instantiates a device object for adapting content for a particular device [new wireless transport protocols and conduits are defined, the system can be updated by adding additional delivery agents and by providing additional configuration information to the database, Col. 3, Line 9 – 12].

8.   **Regarding independent claims 13 and 21**,

- Creating [convert, Col. 1, Line 54] protocol independent and device independent content object [network message, Col. 1, Line 57];
- Rendering the protocol independent and device independent content to protocol dependent and device independent content [network-to-transformation database, 22, Fig. 1];
- Rendering the protocol dependent and device independent content to protocol dependent and device dependent content. [Delivery Agent, 26A – 26N, Fig. 1].

Holzmann [U.S. Patent No. 5,826,017] is considered an evidence reference that discloses network communications are based upon different protocols and because of this, communication amongst different devices may not be possible. [Col. 1, Line 11 – 13 and

Col. 1, Line 35 – 46] and it can be used to explain the network contents are protocol

independent and device independent.

9.   **Regarding dependent claims 17 and 20,**

- Creating [convert, Col. 1, Line 54] protocol independent and device independent content

  [network message, Col. 1, Line 57];

- Adapting content to multiple protocols; [network-to-transformation database, 22, Fig. 1];

- Adapting the application to the selected protocol. [delivery agent, 26A – 26N, Fig. 1].

Holzmann [U.S. Patent No. 5,826,017] is considered an evidence reference that

discloses network communications are based upon different protocols and because of this,

communication amongst different devices may not be possible. [Col. 1, Line 11 – 13 and

Col. 1, Line 35 – 46] and it can be used to explain the network contents are protocol

independent and device independent.

10.   **Regarding dependent claims 18 and 19,**

- Selecting one of the multiple devices; [a predetermined wireless message transport protocol,

  Col. 3, Line 7 – 8]

- Adapting the content to the selected protocol. [a predetermined wireless message transport

  conduit, Col. 3, Line 8 – 9]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11.   **Claims 1 – 5, 9, 14 – 16, and 22 – 24 are rejected** under 35 U.S.C. 103(a) as being

unpatentable over Coelho, and in view of Daniel S. Lipkin (U.S. Pub. No. 2002/0073080, and

referred to as Lipkin hereinafter).

(Coelho as set forth above generally discloses the basic inventions.)

12.   **Regarding independent claim 1**,

Coelho teaches

- Receiving [received, Col. 1, Line 57] protocol independent and device independent content object [network message, Col. 1, Line 57];

- Rendering the protocol independent and device independent content object to protocol dependent and device independent content [network-to-transformation database, 22, Fig. 1].

- Rendering the protocol dependent and device independent content to protocol dependent and device dependent content. [Delivery Agent, 26A – 26N, Fig. 1].

Holzmann [U.S. Patent No. 5,826,017] is considered an evidence reference that discloses network communications are based upon different protocols and because of this, communication amongst different devices may not be possible. [Col. 1, Line 11 – 13 and Col. 1, Line 35 – 46] and it can be used to explain the network contents are protocol independent and device independent.

Coelho does not teach based on the RDF for the device.

Lipkin teaches based on XML and RDF metadata standards.

It would have been obvious to a person of ordinary skill in the art at the time of applicant's invention to modify the teaching of Coelho to include "based on the RDF for the device" for the purpose of providing standardization between devices.

13.   **Regarding dependent claim 2,**

- The protocol independent and device independent content object [network message, Col. 1, Line 57] mapped into [message configuration table, Col. 1, Line 58 – 59] a container storing protocol [network-to wireless transformation database, Col. 1, Line 55 – 56].

14.   **Regarding dependent claim 3,**

- The protocol dependent and device independent content [a set of attributes, Col. 3, Line 1 –

   2] is registered [specifying, Col. 3, Line 1] with a handler storing device capabilities

   [predetermined wireless message transport conduit, Col. 3, Line 7].

15.   **Regarding dependent claim 4,**

- Receiving an extended action [conduit then delivers the wireless transport message to a

   wireless carrier, Col. 3, Line 15 – 16] from a content developer [delivery agent, Col. 3, Line

   13].

16.   **Regarding dependent claim 5,**

   Coelho teaches

- Rendering the protocol independent and device independent content object [network

   message, Col. 1, Line 57] to protocol dependent and device independent content [network-to-

   transformation database, 22, Fig. 1].

- Instantiating a device object. [New wireless transport protocols and conduits are defined,

   Col. 3, Line 9 – 10].

      Coelho does not teach based on the RDF for the device.

      Lipkin teaches based on the RDF for the device [based on XML and RDF metadata

      standards, 0073, Line 2 – 3].

It would have been obvious to a person of ordinary skill in the art at the time of

applicant's invention to modify the teaching of Coelho to include "based on the RDF for the

device" for the purpose of a providing standardization between devices.

17.   **Regarding dependent claims 9, 14 and 22,**

Coelho teaches

- The protocol independent and device independent content object [network message, Col. 1,

    Line 57].

    Coelho does not teach created using object oriented programming.

    Lipkin teaches using object oriented programming [The system is predominantly based

    on object-orient programming principles, 0042, Line 1 – 2].

It would have been obvious to a person of ordinary skill in the art at the time of

applicant's invention to modify the teaching of Coelho to include "using object oriented

programming" for the purpose of extending the use to all industry professionals connected to the

Internet.

18.   **Regarding dependent claims 15 and 23,**

Coelho teaches,

- creating protocol independent and device independent content [network message, Col. 1,

    Line 57].

    Coelho does not teach using application-programming interfaces.

Lipkin teaches using application-programming interfaces [API, Fig. 13].

It would have been obvious to a person of ordinary skill in the art at the time of

applicant's invention to modify the teaching of Coelho to include "using application-

programming interfaces" for the purpose of providing the ability to explicitly query the security

model.

19.   **Regarding dependent claims 16 and 24**, Holzmann teaches, [protocol instructions, Col.

9, Line 14].

Coelho teaches,

- creating protocol independent and device independent content [network message, Col. 1,

    Line 57].

    Coelho does not teach implementing an action.

    Lipkin teaches implementing an action [import agents, Fig. 13].

It would have been obvious to a person of ordinary skill in the art at the time of

applicant's invention to modify the teaching of Coelho to include "implementing an action" for

the purpose of providing the ability to explicitly query the security model.

Conclusion

25.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure. Arun Narayan Netravali et al. (U.S. Patent No. 5,680,552) discloses generating

gateway system, network protocol. David Lee et al. (U.S. Patent No. 5,659,555) discloses

communicating finite state machines, testing protocols.

26.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Sunray Chang whose telephone number is 703-305-8744. The

examiner can normally be reached on M-F 7:00-4:30.

     If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Anthony Knight can be reached on (703)308-3179. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

     Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is 703-746-3506.

Anthony Knight
Supervisory Patent Examiner
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Sunray Chang
Patent Examiner
Group Art Unit 2121
Technology Center 2100
U.S. Patent and Trademark Office

September 3, 2004